

United States Court of Appeals

District of Columbia Circuit

NOTICE OF FINAL RULE

In accordance with the provisions of D.C. Circuit Rule 47, notice of Interim D.C. Circuit Rules 12(f), 15(c)(6), 26.1(a), 29(b), and 35(c) was provided on December 10, 1999, with an opportunity to comment.

The Advisory Committee on Procedures received no comments on the proposed amendments. The Committee transmitted its recommendation to the Court that the Interim D.C. Circuit Rules be adopted in final form with no revisions. The Court accepted the Committee's recommendation and ordered that the Interim D.C. Circuit Rules be adopted, effective May 9, 2000.

Copies of this notice have been published this date by the means specified in D.C. Circuit Rule 47.

/s/ Mark J. Langer
Mark J. Langer
Clerk

Issued: May 9, 2000

United States Court of Appeals
For the District of Columbia Circuit

BEFORE: Edwards, Chief Judge; Silberman, Williams, Ginsburg, Sentelle, Henderson, Randolph, Rogers, Tatel, and Garland, Circuit Judges; Buckley, Senior Circuit Judge.

ORDER

It is ORDERED by the Court, *en banc*, that D.C. Circuit Rules 12(f), 15(c)(6), 26.1(a), 29(b), and 35(c), be amended to read as follows:

Circuit Rule 12

**Docketing Statement in Appeal from a Judgment or
Order of District Court; Statement by Appellee, Intervenor, or Amicus Curiae**

[Sections (a), (b), (c), (d), and (e) are unchanged and omitted.]

(f) Statement by Appellee, Intervenor, or Amicus Curiae. Within 7 days of service of the docketing statement, an appellee must file with the court any statement required by Circuit Rule 26.1. Any disclosure statement required by Circuit Rule 26.1 must accompany a motion to intervene, a written representation of consent to participate as amicus, or a motion for leave to participate as amicus.

Circuit Rule 15

**Petition to Review or Appeal from
Agency Action; Docketing Statement**

[Sections (a), (b), (c)(1)-(5) are unchanged and omitted.]

(c) Docketing Statement.

(6) Statement by Respondent, Appellee, Intervenor, or Amicus Curiae. Within 7 days of service of the docketing statement, a respondent or appellee must file with the court any statement required by Circuit Rule 26.1. Any disclosure statement required by Circuit Rule 26.1 must accompany a motion to intervene, a written representation of consent to participate as amicus, or a motion for leave to participate as amicus.

Circuit Rule 26.1

Disclosure Statement

[Section (b) is unchanged and omitted.]

(a) A corporation, association, joint venture, partnership, syndicate, or other similar entity appearing as a party or amicus in any proceeding must file a disclosure statement, at the time specified in FRAP 26.1, Circuit Rules 12 or 15, and Circuit Rule 35(c), or as otherwise ordered by the court, identifying all parent companies and any publicly-held company that has a 10% or greater ownership interest (such as stock or partnership shares) in the entity. A revised corporate disclosure statement must be filed any time there is a change in corporate ownership interests that would affect the disclosures required by this rule. For the purposes of this rule, “parent companies” include all companies controlling the specified entity directly, or indirectly through intermediaries.

See also Circuit Rule 12(b) and (f) (Docketing Statement in Appeal from a Judgment or Order of District Court; Statement by Appellee, Intervenor, or Amicus Curiae), Circuit Rule 15(c)(3) and (6) (Docketing Statement in Appeal from or Petition to Review Agency Action), and Circuit Rule 35(c) (Petition for Panel Rehearing and Petition for Rehearing En Banc).

Circuit Rule 29

Brief of an Amicus Curiae

[Sections (a), (c), and (d) are unchanged and omitted.]

(b) Leave to File. Any individual or non-governmental entity seeking leave to participate as amicus curiae must, within 60 days of the docketing of the case in this court, file either a written representation that all parties consent to such participation, or, in the absence of such consent, a motion for leave to participate as amicus curiae. (For this purpose, the term “governmental entity” includes the United States or an officer or agency thereof, the District of Columbia, or a State, Territory, or Commonwealth of the United States.) The court may extend this time on a showing of good cause. A governmental entity planning to participate as amicus curiae must, within the same 60 days, or as promptly thereafter as possible, submit a notice of intent to file an amicus brief. A motion for leave to participate as amicus, filed more than 60 days after the appeal or petition has been docketed, may be granted by the clerk as long as the motion is unopposed and as long as the brief will be filed within the time allowed by FRAP 29(e) and this rule. Any disclosure statement required by Circuit Rule 26.1 must accompany a written representation of consent to participate as amicus or a motion for leave to participate as amicus.

Circuit Rule 35

Petition for Panel Rehearing and Petition for Hearing or Rehearing En Banc

[Sections (a), (b), (d), (e), and (f) are unchanged and are omitted.]

(c) Panel Opinion, Certificate of Parties, and Disclosure Statement to be Attached. A copy of the opinion of the panel from which rehearing is being sought; a certificate of parties and amici, as described in Circuit Rule 28(a)(1)(A); and a disclosure statement, as described in Circuit Rule 26.1, must be attached as an addendum to the petition. Any required disclosure statement must also be attached to any response to a petition.

These amendments are effective May 9, 2000.

Per Curiam
FOR THE COURT:

/s/ Mark J. Langer
Mark J. Langer
Clerk

Filed: May 9, 2000